

**Bureau of Land Management
Winnemucca District Office
Categorical Exclusion**

☒ HRFO (1000) ☐ BRFO (3000) ☐ District ()

CX#: DOI-BLM-NV-W010-2012-0030-CX	Date: 04-18-2012
Regulatory Authority (CFR or Law): 2930	Lease / Case File / Serial #:
BLM Manual: H-2930-1	SRP# NVW01000-12-05
Subject Function Code: 8372	
Project Lead Preliminary Review: Is the project located within a Preliminary Priority Habitat? No Is the project located within a Preliminary General Habitat? No	

1. BLM District Office: Winnemucca District Office

2. Name of Project Lead: Joey Carmosino

3. Project Title: Competitive Road Rally

4. Applicant:

Peter Soper
1009 Allston Way
Berkeley, CA 94710

5. Project Description:

Mr. Soper has applied for a Special Recreation Permit (SRP # NVW01000-12-05) to conduct a 2012 competitive time-trial rally motorsport event in the Winnemucca District on July 6th & 7th, 2012.

The proponent proposes two routes as described below. **The race would be conducted entirely on existing bladed natural surface roads and is a repeat of last year's – using the exact routes as raced in 2011.** If permitted, this would be a multi-staged timed event. Each racer starts the course at intervals separated by several minutes. Last year's race attracted 40 participants – 20 two person teams. Recent conversation with the proponent has pointed to expectations of a similar turnout this year. Each car has a driver and navigator. The course would be marked, and each team would have maps and course descriptions. Waypoints would be set up and each team would be required to check in before continuing on. Each course may be traversed up to four times – twice in each direction. Spectators (mostly friends and family of the participants) would be assigned to two areas as marked on the western loop map. One is about 400 hundred yards from the finish line and one at the waypoint in T27N R25E, sec. 8 . Both designated spectator areas have been previously used – **no new ground disturbance would occur.** Participants and all others associated with this race would be lodging in Gerlach and/or Lovelock.

Project dimensions(90miles x 5280 feet/mile x 12 feet wide x 1 acre/43,560): Acreage:

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Approximately 140 linear acres

Will the project result in new surface disturbance? Yes _____ No XX

Has the project area been previously disturbed? Yes XX No _____ N/A _____. If yes, what percent of the project area has been disturbed? 100%. If only part of the project area has been disturbed, indicate disturbed area on map. Describe disturbance (and attach photo of disturbed area if you have one):

6. Legal Description: The proposed action consists of two routes.

The northern route is approximately 50 miles in length using in part the south, east, and north boundary roads of the Mount Limbo Wilderness Study Area.

T27N R24E sec. 01, 02;

T27N R25E sec. 05 – 08;

T28N R24E sec. 01, 12, 13, 15, 16, 22, 26, 27, 35;

T28N R25E sec. 07, 18, 19, 30, 31

T29N R24E sec. 02, 10, 11, 13, 14, 25, 46

T30N R24E sec. 21, 22, 27 – 30, 32, 35

The second part of the rally is located southwest of Lovelock, NV. This portion of the course is within.

T24N R28E sec. 01

T24N R29E sec. 06, 07, 17, 18

T25N R28E sec. 01 – 03, 09, 10, 17, 20, 26 – 27, 35, 36

T25N R29E sec. 01 – 04,

T26N R29E sec. 31 - 33

T25N R30E sec. 06

See enclosed maps.

USGS 24k Quad name:

West Loop - Kumiva Peak, Purgatory Peak, Tohakum Peak NE, Tunnel Spring, Jayhawk Well, Betty Creek

East Loop – Ragged Top Mountain, Toulon Peak, Ocala, White Plains

100k map name:

East Loop - Lovelock, Carson City

West Loop – Kumiva Peak

Land Status: BLM XX Private XX Other -

7. Create PDFs of 1:24000 Project Location Map and 1:100,000 general vicinity map. (See S:\NEPA\NEPA_2012\NEPA 2012 Templates\Proposed Action\CX Proposed Action Form and Instructions

Part I: Plan Conformance Review

The proposed Action is subject to the:

- ☐ Paradise-Denio Management Framework Plan
☒ Sonoma-Gerlach Management Framework Plan
☐ Black Rock Desert-High Rock Canyon Emigrant Trails NCA and Associated Wilderness and Other Contiguous Lands in Nevada RMP

Objective R1: Provide as many recreational opportunities as possible without undo environmental degradation in the Sonoma-Gerlach Area

The Proposed Action has been reviewed for conformance with this plan (43 CFR 1610.5, BLM Manual 1617.3).

Part II: NEPA Review

Categorical Exclusion Review: This Proposed Action qualifies as a categorical exclusion under:

☐ 43 CFR 46.210 DOI Implementation of NEPA of 1969, Listing of Departmental Categorical Exclusions (*formerly 516 DM2 Appendix 1*)

☒ 516 DM11.9, (BLM) H.1. Issuance of Special recreation Permits for day use or overnight use up to 14 consecutive nights: that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails or in areas authorized in a land use plan.

ESA and BLM Sensitive Status Species

Evaluation Criteria	Yes	No
1. Are species listed under the Endangered Species Act likely to occur in the project area? If yes, list the species in Table 1 below. Verify with USFWS or use approved list.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are BLM NV Sensitive Species, based upon the current IM, likely to occur in the project area? If yes, list the species in the Table 1 below.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Could the proposed action result in "take" under the Migratory Bird Treaty Act? If yes, attach appropriate mitigation measures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Table 1. Special Status Species that may occur in the project area:

ESA	BLM	Common (Scientific) Name	May Be Affected?	Mitigation for BLM Sensitive Species (Attach ESA Section 7 Compliance to Form)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Townsend's Big-eared bat (Corynorhinus townsendii)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>	Lahontan Milkvetch (Astragalus porrectus)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	No mitigation is needed as long as the proponent stays on existing roads and trails.

<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

Table 2 Migratory Bird Treaty Act Consideration

Potential MBTA Species w/in the Project Area Common (<i>Scientific</i>) Name	May Be Affected?	Proposed Mitigation
black-throated sparrow (Amphispiza bilineata), Brewer's blackbird (Euphagus cyanocephalus), Brewer's sparrow (Spizella breweri), canyon wren (Catherpes mexicanus), gray flycatcher (Empidonax wrightii), green-tailed towhee (Pipilo chlorurus), rock wren (Salpinctes obsoletus), sage sparrow (Amphispiza belli), sage thrasher (Oreoscoptes montanus), western meadowlark (Sturnella neglecta), and vesper sparrow (Pooecetes gramineus), Brewer's blackbird (Euphagus cyanocephalus), burrowing owl (Athene cunicularia), loggerhead shrike (Lanius ludovicianus),	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>A one-time event in 2012 of this nature (ie # of vehicles, level of noise and limited speeds), is unlikely to have detrimental impacts on the migratory bird population.</p> <p>However, since actual impacts to migratory birds are unknown and research of this nature has not been conducted, the proponent will be responsible for off-site mitigation to improve habitat for breeding birds to offset the disturbance that may be caused by the event.</p>
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	

The Proposed Action has been reviewed to determine if any exceptions described in 43 CFR 46.215 Categorical Exclusions: Extraordinary Circumstances apply. (See attached page)

Mitigation Measures/Remarks:

Offsite mitigation recommended to improve habitat for migratory birds.

Part III: DECISION: I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed project is in conformance with the approved land use plan and that no other environmental analysis is required. Project Authorization is subject to mitigation measures identified.

Remarks reserved for authorized officer:

Authorized Official_\s_Michael Truden Date: 05/31/12
(Signature)

Administrative Review or Appeal Opportunities

A person who wishes to appeal to the Interior Board of Land Appeals must do so under 43 CFR 4.411 and must file in the office of the officer who made the decision (not the board), in writing to Michael Truden, Humboldt River Field Office, 5100 East Winnemucca Boulevard, Winnemucca, Nevada 89445. A person served with the decision being appealed must transmit the notice of appeal in time to be filed in the office where it is required to be filed within thirty (30) days after the date of service.

The notice of appeal must give the serial number or other identification of the case and may include a statement of reasons for the appeal, a statement of standing if required by § 4.412(b), and any arguments the appellant wishes to make. Form 1842-1 provides additional information regarding filing an appeal.

No extension of time will be granted for filing a notice of appeal. If a notice of appeal is filed after the

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grace period provided in §4.401(a), the notice of appeal will not be considered and the case will be closed by the officer from whose decision the appeal is taken. If the appeal is filed during the grace period provided in §4.401(a) and the delay in filing is not waived, as provided in that section, the notice of appeal will not be considered and the appeal will be dismissed by the Board.

The appellant shall serve a copy of the notice of appeal and any statements of reason, written arguments, or briefs under §4.413 on each adverse party named in the decision from which the appeal is taken and on the Office of the Solicitor, Pacific Southwest Regional Solicitor, U.S. Department of the Interior, 2800 Cottage Way, Room E-2753, Sacramento, California 95825-1890. Service must be accompanied by personally serving a copy to the party or by sending the document by registered or certified mail, return receipt requested, to the address of record in the bureau, no later than 15 days after filing the document.

In addition, within thirty (30) days of receipt of this decision you have the right to file a petition for a stay together with your appeal in accordance with the regulations at 43 CFR 4.21. The petition must be served upon the same parties specified above.

Pursuant to 43 CFR 4.47I(c), a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and,
- (4) Whether the public interest favors granting the stay.

43 CFR 4.471 (d) provides that the appellant requesting a stay bears the burden of proof to demonstrate that a stay should be granted.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.422(c)(2)).